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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,098	02/27/2002	David P. Alexander	AD22/02	6843

7590 06/11/2003

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/084,098

Applicant(s)

ALEXANDER, DAVID P.

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1,3-5 and 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species II (Figures 10-11) in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Applicant states that claims 1-3 and 6 read on the elected species. However, only claims 2 and 6 read on the elected species.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 85. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the side edges" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 2, as best understood, is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,318,611 B1 to Alexander.

Alexander discloses a car seat system that includes all the limitations recited in claim 2, as best understood. Alexander shows a car seat system having a seat portion (see Fig. 5), a back portion (see Fig. 5), a sheeting assembly (see Fig. 5) with a front sheet portion and a side sheet, a tube assembly 104 (Fig. 5) with a vertical tube 108 (Fig. 5) coupled to the sheeting assembly and positioned adjacent to the seat portion, and a securement assembly 112,114 (Fig. 5) coupling the sheeting assembly and tube.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of U.S. Patent No. 4,600,238 to Goodford.

Alexander discloses a car seat system that is basically the same as that recited in claim 6 except that the backrest lacks an enlarged tube and hooks, as recited in the claim. See Figures 1-6 of Alexander for the teaching that the car seat system has retractable legs 28,30 (Fig. 1) secured beneath the front edge of the seat portion (see Fig. 5) to constrain the position of the sheeting assembly (see Fig. 5). Goodford shows a car seat system similar to that of Alexander wherein the car seat system has a seat portion 18 (Fig. 4), a back portion 20 (Fig. 4), a sheeting assembly 14 (Fig. 4) including an interior end and an exterior end with a handle 52 (Fig. 11), an enlarged tube 16 (Fig. 4) attached to the backrest to removably constrain the interior end of the sheeting assembly, hooks 54 (Fig. 4) on the other side of the back portion for receiving the handle. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the car seat system of Alexander such that the sheeting assembly includes a handle on the exterior end, an enlarged tube attached to the back portion to removably constrain the interior end of the sheeting assembly, hooks on the other side of the back portion for removably receiving the handle, and retractable legs secured beneath the front edge of the seat portion to constrain the position of the sheeting assembly, such as the car seat system disclosed in Goodford. One would have been motivated to make such a modification in view of the suggestion

in Goodford that the enlarged tube attached to the back portion to removably contain the sheeting assembly allows for the sheeting assembly to be retracted in an inoperative, stored position and to be withdrawn from the tube to positions of use.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to car seat systems:


U.S. Pat. No. 2,659,420 to Burke	U.S. Pat. No. 3,094,354 to Bernier
U.S. Pat. No. 3,169,781 to Abruzzino	U.S. Pat. No. 3,309,135 to Jannetto
U.S. Pat. No. 3,695,698 to Trump	U.S. Pat. No. 4,320,922 to Meritis
U.S. Pat. No. 4,924,814 to Beaudet	U.S. Pat. No. 5,330,251 to McGuire
U.S. Pat. No. 5,354,119 to Nicholas	U.S. Pat. No. 5,492,257 to Demick
U.S. Pat. No. 5,529,341 to Hartigan	U.S. Pat. No. 6,079,773 to Hassan
U.S. Pat. No. 6,158,805 to Blaney	U.S. Pat. No. 6,502,859 B1 to Svetlik
DE 39 09 397 A1 to Ehrbar	

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
JE  
June 5, 2003

  
PETER R. BROWN  
PRIMARY EXAMINER